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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,000	09/16/2003	Kalim Mir	067024-5009	3911
9629 7590 06/18/2009 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
LU, FRANK WEI MIN				
ART UNIT		PAPER NUMBER		
1634				
MAIL DATE		DELIVERY MODE		
06/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,000

Applicant(s)

MIR, KALIM

Examiner

FRANK W. LU

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4.7.15-17.20.21.25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4.7.15-17.20.21.25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's response to the office action filed on March 12, 2009 has been entered. The claims pending in this application are claims 4, 7, 15-17, 20, 21, 25 and 26. Rejection and/or objection not reiterated from the previous office action are hereby withdrawn in view of applicant's amendment filed on March 12, 2009.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on two applications, GB0106635.6, and GB0118879.6, filed in United Kingdom on March 16, 2001 and June 2, 2001 respectively. It is noted, however, that applicant has not filed certified copies of these application as required by 35 U.S.C. 119(b). Although applicant indicated that "[A]pplicant is in the process of obtaining such certified copies and will submit them as soon as they are available", since the office has not obtained these certified copies, this objection is maintained.

Claim Objections

3. Claim 17 is objected to because of the following informality: "a plurality of fluorescent molecules, nanoparticles or nanorods" should be "one of a plurality of fluorescent molecules, nanoparticles or nanorods".

4. Claim 26 is objected to because of the following informalities: (1) "electrode(s)" should be "electrode"; and (2) "the same element as an electrode" should be "the electrode".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 4, 7, 15-17, 20, 21, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 4 is rejected as vague and indefinite in view of step (i) because it is unclear that each individual immobilized molecule is not capable of being individually resolved by which way. Does the phrase “each individual immobilized molecule is not capable of being individually resolved” mean that each individual immobilized molecule is not capable of being individually resolved by naked eyes or mean that each individual immobilized molecule is not capable of being individually resolved by a light microscope or electron microscope? Please clarify.

8. Claim 4 is rejected as vague and indefinite in view of step (ii) because it is unclear that each individual immobilized molecule is capable of being individually resolved by which way. Does the phrase “each individual immobilized molecule is capable of being individually resolved” mean that each individual immobilized molecule is capable of being individually resolved by naked eyes or mean that each individual immobilized molecule is capable of being individually resolved by a light microscope or electron microscope? Please clarify.

9. Claim 4 recites the limitation “the reduced array” in the claim. There is insufficient antecedent basis for this limitation in the claim because there is no phrase “reduced array” before “the reduced array”. Please clarify.

10. Claim 4 is rejected as vague and indefinite. Although the claim is directed to a method for producing a molecular array, there is no method step for producing a molecular array and the goal of the claim (see the preamble) cannot be reached. Furthermore, it is unclear which way is used to reduce the density of functional immobilized molecules in the array so that remaining individual functional immobilized molecules are capable of being individually resolved. Please clarify.

11. Claim 26 is rejected as vague and indefinite. Since the claim does not require that a target molecule or the immobilized molecule has a label which can produce a signal, it is unclear why the electrode can transduce a signal when a target molecule binds to the immobilized molecule present in the same element as an electrode. Please clarify.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. No claim is allowed.
14. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is (571)273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (571)272-0746. The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Schultz, can be reached on (571)272-0763.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank W Lu /
Primary Examiner, Art Unit 1634
June 16, 2009